

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEROMY OELKER,

Plaintiff

v.

MAGISTRATE VICTORIA OLDS, et al.,

Defendants

Case No.: 2:23-cv-01490-APG-DJA

**Order Denying Motion to Vacate
Judgment**

[ECF No. 32]

Plaintiff Jeromy Oelker filed a motion under Federal Rule of Civil Procedure 60(b) asking this court to vacate a judgment entered against him in Idaho state court. ECF No. 32. Oelker's motion is procedurally barred. There is no complaint pending upon which to grant relief. Magistrate Judge Albregts dismissed Oelker's amended complaint and permitted Oelker to file a second amended complaint by February 20, 2024. ECF No. 31 at 5. Oelker has not done so. Further, no defendant has been served with process or joined to the case. Thus, Oelker's motion to vacate is premature.

In addition, this court has no authority to grant the relief Oelker requests. The *Rooker-Feldman* doctrine bars federal district courts from hearing "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). Thus, Oelker's motion lacks merit.

Magistrate Judge Albregts warned Oelker that failure to file a second amended complaint by February 20, 2024 would result in the recommendation of dismissal of this case. ECF No. 31 at 5. Magistrate Judge Albregts has twice pointed out fatal defects in Oelker's claims. ECF Nos.

1 17, 31. Yet Oelker has not been able to file a proper complaint. It is apparent that the claims he
2 hopes to pursue are barred by the applicable statutes of limitations and the *Rooker-Feldman*
3 doctrine. Further leave to amend would be futile.

4 I THEREFORE ORDER that plaintiff Jeromy Oelker's motion to vacate (ECF No. 32) is
5 **DENIED.**

6 I FURTHER ORDER the clerk of the court to close this case.

7 DATED this 15th day of March, 2024.

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10 ANDREW P. GORDON
11 UNITED STATES DISTRICT JUDGE
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